

REMARKS

In the Official Action mailed on **September 30, 2004**, the Examiner reviewed claims 1-33. The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5). The specification was objected to because of informalities. Claims 1-33 were rejected under 35 U.S.C. §102(b) as being anticipated by Frey, Jr. et al. (USPN 5,201,044, hereinafter "Frey").

Objections to the drawings

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5).

Applicant has amended the specification to include a description of "hardware 118."

Objections to the specification

The specification was objected to because of informalities.

Applicant has included a true copy of the missing page 8 as an appendix to this response. Applicant has also included a copy of a postcard from the USPTO verifying receipt of the instant application including 11 pages of specification and abstract, which implies that page 8 was received. Therefore, the included copy of the missing page 8 does not constitute new matter.

Rejections under 35 U.S.C. §102(b)

Claims 1-33 were rejected as being anticipated by Frey. Applicant respectfully points out that Frey teaches each node **maintaining its own independent log file** (see Frey, col. 5, lines 60-63).

In contrast, the present invention locates the log file on a **secondary server that is separate from the primary server** (see FIG. 1 and page 6, line 25 to page 7, line 2 of the instant application). This is beneficial because it facilitates

failovers from the primary server to the secondary server when the primary server fails. In the system of Frey, the data stored in the log file on the failed server is not available after the failure, and thus cannot partake in a failover scheme. There is nothing within Frey, either explicit or implicit, which suggests locating the log file on a secondary server that is separate from the primary server. In fact, Frey teaches away from locating the log file on a separate secondary server by having each node maintain its own independent log file (see Frey, col. 5, lines 60-63).

Accordingly, Applicant has amended independent claims 1, 12, and 23 to clarify that the present invention locates the log file on a secondary server that is separate from the primary server. These amendments find support in FIG. 1 and on page 6, line 25 to page 7, line 2 of the instant application. Dependent claims 6, 17, and 28 have been canceled without prejudice.

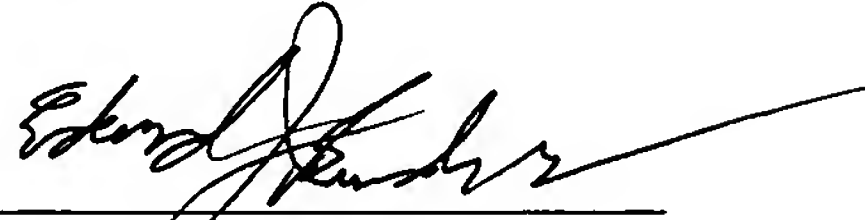
Hence, Applicant respectfully submits that independent claims 1, 12, and 23 as presently amended are in condition for allowance. Applicant also submits that claims 2-5 and 7-11, which depend upon claim 1, claims 13-16 and 18-22, which depend upon claim 12, and claims 24-27 and 29-33, which depend upon claim 23, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By



Edward J. Grundler
Registration No. 47,615

Date: October 14, 2004

Edward J. Grundler
PARK, VAUGHAN & FLEMING LLP
508 Second Street, Suite 201
Davis, CA 95616-4692
Tel: (530) 759-1663
FAX: (530) 759-1665